

DIVISION I

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

CACR05-1182

May 31, 2006

REBECCA BAKER

APPELLANT

APPEAL FROM JEFFERSON CIRCUIT
COURT
[NO. CR-2004-714-5]

HON. ROBERT H. WYATT, JR.,
JUDGE

V.

STATE OF ARKANSAS

APPELLEE

REBRIEFING ORDERED

Appellant was convicted of the first-degree murder of a three-year-old girl. On appeal, she argues that the evidence was insufficient to support her conviction and that autopsy photographs of the victim were too gruesome to admit into evidence.

We do not reach the merits of appellant's arguments on appeal because of her failure to supply this court with a sufficient abstract and addendum. Appellant challenges the sufficiency of the evidence but completely omits the testimony adduced in her case in chief, consisting of pages 548 to 651 of the record. Much of this testimony is damaging to appellant, and it must be included in any assessment of the sufficiency of the evidence. Furthermore, appellant's attempt to reproduce the assertedly gruesome photographs consists of poor-quality black-and-white photocopies that are completely unrecognizable as a human being. In contrast, the color photographs included in the record clearly depict the autopsy.

Rule 4-2(a)(5) of the Rules of the Arkansas Supreme Court and the Court of Appeals requires an appellant to provide an abstract including all material parts of the testimony necessary to an understanding of the questions to be decided, and requires that photographic

exhibits that must be examined by the appellate court be reproduced and included in the addendum.

Pursuant to Ark. Sup. Ct. R. 4-2(b)(3), we find that the abstract and addendum are deficient, and appellant is granted fifteen days from the date of the entry of this order within which to file a substituted brief that contains a revised abstract and addendum. If appellant fails to file a complying, substituted brief within the prescribed time, the judgment may be affirmed for noncompliance with the Rule. *See id.* After service upon appellee of the substituted brief, appellee shall have an opportunity to file a responsive brief in the time prescribed by the clerk of this court or to rely upon the brief it previously filed in this appeal. *See id.*

Rebriefing ordered.

HART and GRIFFEN, JJ., agree.